

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 889 of 2006

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DATED: 17.01.2006

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Between:

J. Bhaskar Rao & others.

... PETITIONERS

AND

The Vijayawada-Gun-Tenali-Mangalagiri
Urban Development Authority, rep., by its
Vice Chairman, Vijayawada & another.

... RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 889 of 2006

ORDER:-

Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the 2nd respondent Municipal Corporation, Vijayawada, who filed the caveat.

It is stated that the petitioners are the owners of the house numbers mentioned in the cause title of the writ petition situated at Vijayawada. It is stated that the 1st respondent had taken a decision for widening of the Mahatma Gandhi Road also called as Bandar Road, and in that process the 1st respondent already started demolishing the Government properties and also threatening to demolish the private properties for the purpose of widening of the road.

Learned counsel appearing for the petitioners stated that the petitioners are not encroachers of the Government land and they have constructed the houses in their own lands.

The 2nd respondent filed a caveat petition stating that the 1st respondent had taken a decision for widening of the Bandar Road from Police Control Room to Benz Circle at a width of 100 feet as per the Master Plan, due to heavy traffic problem. It is stated that so far as the private properties are concerned, notices have been issued.

Learned counsel appearing for the caveat petitioner-2nd respondent submits that the petitioners in the writ petition are not against the widening of the road, but their only grievance is that without acquiring their lands and without paying compensation either by way of coming to a common understanding or agreement or by way of acquisition in accordance with the provisions of Sections 146 or 147 of the Hyderabad Municipal Corporation Act (for short "the Act"), and therefore, their houses cannot be demolished for widening of the road.

Having regard to the facts and circumstances of the case, the respondents

are directed not to demolish the properties of the petitioners, without following due process prescribed under law either under Section 146 of the Act by acquiring the properties which were removed for widening of the road by way of an agreement or in alternative by taking appropriate action under Section 147 of the Act.

Accordingly, the writ petition is disposed of. No costs.

17.01.2006

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